United Nations Convention on the Law of the Sea SPLOS/103

Meeting of States Parties

Distr.: General
25 June 2003

Original: English

Thirteenth Meeting
New York, 9-13 June 2003

Report of the thirteenth Meeting of States Parties

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I. Introduction

1. The thirteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea was convened at United Nations Headquarters from 9 to 13 June 2003, in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken by the General Assembly at its fifty-seventh session (resolution 57/141, para. 9).

2. Pursuant to that decision and in accordance with rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.3), invitations to participate in the Meeting were addressed by the Secretary-General of the United Nations to all States Parties to the Convention. Invitations were also addressed to observers in conformity with rule 18 of the Rules of Procedure (SPLOS/2/Rev.3/Add.1), including to the President and the Registrar of the International Tribunal for the Law of the Sea, the Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf.

II. Organization of work

A. Opening of the thirteenth Meeting of States Parties and election of officers

3. Ambassador Allieu Kanu (Sierra Leone), Vice-President of the twelfth Meeting of States Parties, opened the thirteenth Meeting on behalf of Ambassador Don MacKay (New Zealand), President of the twelfth Meeting. In his opening statement he recalled that the twentieth anniversary of the adoption and opening for signature of the 1982 United Nations Convention on the Law of the Sea (the Convention) had been commemorated by the General Assembly on 9 and 10 December 2002. In particular, he referred to the statements made on that occasion by the Secretary-General, Kofi Annan; the President of the fifty-seventh session of the Assembly, Ambassador Jan Kavan; and by Ambassador Tommy Koh of Singapore, President of the Third United Nations Conference on the Law of the Sea. He also made reference to the special tribute paid to Ambassador Arvid Pardo by the former President of Malta, Dr. Mifsud Bonnici, as well as the tribute paid to other important persons who had been instrumental in the development of the Convention. He expressed his regret at the passing away of Ambassador Lennox Fitzroy Ballah of Trinidad and Tobago, a judge at the International Tribunal for the Law of the Sea and a diplomat with a life-long dedication to the codification of the law of the sea.

4. The Meeting elected by acclamation Ambassador Stanislaw Pawlak (Poland) as President of the thirteenth Meeting of States Parties.

5. The Meeting also elected the representatives of Honduras, Malta, Republic of Korea and Tunisia as Vice-Presidents.

B. Introductory statement by the President

6. In his opening statement, the President welcomed all States Parties, particularly Armenia, Kiribati, Qatar and Tuvalu, which had become Parties to the Convention since the last Meeting, bringing the total number of Parties to 142. He

urged States to remain committed to reaching the common objective of universal participation in the Convention.

7. The President underlined the significance of the Convention as the "Constitution for the oceans" since it established a legal order for all aspects of human activity in the seas and the oceans. The General Assembly had reaffirmed that significance during its commemorative meetings to celebrate the twentieth anniversary of the opening for signature of the Convention. He also recalled that the General Assembly had on the same occasion, adopted three resolutions relating to the law of the sea and ocean affairs, and had, inter alia, renewed the mandate of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (the Consultative Process).

8. He noted that since the States Parties had last met one judgment had been delivered by the International Tribunal for the Law of the Sea. During the same period, the International Seabed Authority had considered the first set of annual reports by the seven registered pioneer investors, as well as proposals for regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich ferromanganese crusts. The Commission on the Limits of the Continental Shelf had concluded its consideration of the submission by the Russian Federation on the delineation of its continental shelf beyond 200 nautical miles and it had examined a number of matters to facilitate the process of dealing with submissions by coastal States.

9. The President expressed his regret at the passing away of Judge Lennox Fitzroy Ballah and extended his condolences to his family and friends and to the Government of Trinidad and Tobago.

10. He then proceeded to outline the programme of work of the thirteenth Meeting. The Meeting would examine the proposed budget of the Tribunal for 2004, as well as other matters concerning the 2003 budget. The Meeting would also consider a proposal relating to the staff assessment fund of the Tribunal and a draft decision on the liability of the Tribunal in the event of service-related death, injury or illness of its judges. In addition, the Meeting would consider the annual report of the Tribunal and the report of the External Auditors. Thereafter, the Meeting would consider the draft Financial Regulations of the Tribunal.

11. The President drew attention to a proposal made by Japan to lower the ceiling rate used in establishing the rate of assessment for States Parties for the budget of the Tribunal (SPLOS/2003/CRP.1). He informed the Meeting that this matter would be dealt with after the consideration of the budget.

12. He noted that the role of the Meeting of States Parties in the implementation of the Convention was another item to be considered by the Meeting.

13. The President stated that the Meeting would invite the Secretary-General of the International Seabed Authority, Satya Nandan, to report on the activities of the Authority and the Chairman of the Commission on the Limits of the Continental Shelf, Peter Croker, to report on the progress of work in the Commission.

14. Some delegations reaffirmed the importance of the Convention and renewed their support for its institutions, the Tribunal, the International Seabed Authority and the Commission on the Limits of the Continental Shelf. Several delegations expressed their condolences for the passing away of Judge Lennox Fitzroy Ballah.

C. Adoption of the agenda and organization of work

15. The Meeting considered the provisional agenda for the thirteenth Meeting (SPLOS/L.29) and adopted it (SPLOS/95).

16. Following the adoption of the agenda, the President outlined the organization of work. With regard to budgetary and other matters of the Tribunal, he proposed that the Meeting first consider the budget, then the proposal of Japan and subsequently the proposal relating to a staff assessment fund. In this respect, one delegation indicated that, since the discussion of the budget of the Tribunal for 2004 was closely related to the other two issues, all three issues should be considered together. That proposal was not supported and the organization of work proposed by the President was adopted by the Meeting.

III. Report of the Credentials Committee

17. On 11 June 2003, the Meeting of States Parties appointed a Credentials Committee consisting of the following nine members: Algeria, Czech Republic, Fiji, Kenya, Malaysia, Malta, Monaco, Trinidad and Tobago, and St. Vincent and the Grenadines. The Credentials Committee held two meetings, on 12 and 13 June 2003. It elected Ms. Gaile Ann Ramoutar (Trinidad and Tobago) as Chairperson. At its meetings, the Committee examined the credentials of representatives to the thirteenth Meeting of States Parties. It accepted the credentials submitted by the representatives of 112 States Parties to the Convention, including the European Community. On 13 June 2003, the Meeting of States Parties approved the report of the Committee (SPLOS/102 and Add.1).

IV. Matters related to the International Tribunal for the Law of the Sea

A. Annual report of the Tribunal

18. The annual report of the Tribunal for 2002 (SPLOS/92) was submitted to the Meeting under rule 6, paragraph 3 (d) of the Rules of Procedure for Meetings of States Parties. In his introductory remarks, the President of the Tribunal Judge L. Dolliver M. Nelson, officially informed the meeting that Judge Lennox Fitzroy Ballah of Trinidad and Tobago had passed away on 29 March 2003. He extended his condolences, on behalf of the Tribunal, to the family of the late Judge Ballah and to the Government of Trinidad and Tobago. He noted that a vacancy had occurred for the remainder of Judge Ballah's term. In this regard, the Registrar had, in accordance with article 6, paragraph 1, of the Statute of the Tribunal, by a note verbale dated 24 April 2003 informed States Parties and invited them to submit their nominations between 30 April and 29 June 2003. He also informed States Parties that a special election to fill the vacancy would be held at United Nations Headquarters on 2 September 2003.

19. With respect to organizational matters, the President recalled that the twelfth Meeting of States Parties had elected seven Judges of the Tribunal for a term of nine years. In the course of 2002, the Tribunal held its thirteenth session, from 4 to 15

March 2002, and fourteenth session, from 25 September to 8 October 2002. The Tribunal's sessions were devoted essentially to administrative and legal matters not directly related to cases. During its fourteenth session, the Tribunal reconstituted its Seabed Disputes Chamber and its three special chambers established in accordance with article 15 of the Statute of the Tribunal (the Chamber of Summary Procedure; the Chamber for Fisheries Disputes; and the Chamber for Marine Environment Disputes). It also reconstituted the following committees: (i) the Committee on Budget and Finance; (ii) the Committee on Rules and Judicial Practice; (iii) the Committee on Staff and Administration; (iv) the Committee on Library and Publications; and (v) the Committee on Buildings and Electronic Systems.

20. He recalled that during the past year the Tribunal and its Committees considered, among other things, issues that had a bearing on its judicial work, such as costs to be borne by parties in judicial proceedings, requests for advisory opinions under article 138 of the Rules, bonds and other financial security under article 292 of the Convention, and secrecy of the Tribunal's deliberations. The Tribunal also discussed administrative matters not directly related to cases such as budget proposals, budget performance, the staff assessment fund, audit report, staff regulations and rules, recruitment of staff, buildings and electronic systems, and library facilities.

21. Turning to the judicial work of the Tribunal, the President recalled that the Tribunal met from 11 to 23 December 2002 to deal with the *"Volga" Case*, the eleventh case submitted to it. The Case involved urgent proceedings concerning the prompt release of the vessel *Volga* and members of its crew, under article 292 of the Convention. Proceedings were instituted on 2 December 2002 by an application by the Russian Federation against Australia. The Tribunal delivered its Judgment on 23 December 2002.

22. The President noted that in this case the Tribunal was for the first time faced with the issue of non-financial conditions attached by the detaining State to the security required for the release of the vessel. In this respect, the Tribunal stated that: "The object and purpose of article 73, paragraph 2, read in conjunction with article 292 of the Convention, is to provide the flag State with a mechanism for obtaining the prompt release of a vessel and crew arrested for alleged fisheries violations by posting a security of a financial nature whose reasonableness can be assessed in financial terms. The inclusion of additional non-financial conditions in such a security would defeat this object and purpose." [paragraph 77 of the Judgment]

23. On the problem of continuing illegal fishing in the Southern Ocean, the Tribunal expressed its understanding of concerns voiced by the international community regarding illegal, unregulated and unreported fishing. It appreciated the objectives behind the measures taken by States, including the States Parties to Commission for the Conservation of Antarctic Marine Living Resources.

24. Continuing, the President recalled that one case was still pending on the docket, the *Case concerning the Conservation and Sustainable Exploitation of Swordfish Stocks in the South-Eastern Pacific Ocean (Chile/European Community)*, which was submitted to a chamber of the Tribunal. The time limit for making preliminary objections with respect to the case was extended at the request of the parties to enable them to reach a settlement during the extended period.

25. He brought to the attention of the Meeting, that, following the Tribunal's Order of 3 December 2001 in the *MOX Plant Case*, a former President of the Tribunal, Judge Mensah, had been appointed by the parties as President of an arbitral tribunal constituted in accordance with Annex VII of the Convention.

26. Noting that the Tribunal had thus far dealt with eleven cases, he stated, however, that there was no doubt that the Tribunal had not been put to full use. He recalled that 32 States Parties had made written declarations relating to the settlement of disputes under article 287 of the Convention and that 19 States Parties had chosen the Tribunal as the means or one of the means for the settlement of disputes concerning the interpretation or application of the Convention. It was to be hoped that, in accordance with the recommendation in General Assembly resolution 57/141, an increasing number of States would utilize the possibility offered by article 287 of the Convention of choosing means for the settlement of disputes concerning the interpretation or application of the Convention. Another alternative that States might utilize was to confer jurisdiction on the Tribunal through international agreements. Already, several such multilateral agreements had been concluded.

27. The President of the Tribunal noted that only 12 States had become parties to the Agreement on the Privileges and Immunities of the Tribunal. He drew the attention of the Meeting to the recommendation made by the General Assembly in resolution 57/141 for States to become Parties to the Agreement.

28. The President reported that the Tribunal had taken steps to strengthen its relationships with other international organizations and bodies. During 2002, administrative arrangements were concluded between the Tribunal's Registry and the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat (DOALOS), the Appellate Body Secretariat of the World Trade Organization (WTO) and the Legal Affairs Division of the WTO Secretariat, the International Hydrographic Organization and the International Maritime Organization. During 2003, such arrangements were concluded with the European Court of Human Rights and the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

29. With respect to the financial situation of the Tribunal, he stated that as of 31 May 2003, there was an unpaid balance of assessed contributions in relation to the budgets of the Tribunal for the periods 1996 to 2002 in the amount of US$ 1,470,234. The outstanding amount in relation to the 2002 budget was $632,873 and in relation to the 2003 budget was $1,539,420. He recalled the appeal made by the General Assembly to all States Parties to pay their assessed contributions to the Tribunal in full and on time.

30. Although the Headquarters Agreement between the Tribunal and Germany had not yet been concluded, he noted that relations with the host country were good and were currently governed by the Convention on the Privileges and Immunities of the Specialized Agencies of 1947. The Tribunal operated within the United Nations system and therefore had to be treated in a manner consistent with United Nations practice. He expressed the hope that issues relating to the Headquarters Agreement would soon be resolved in a spirit of goodwill and cooperation.

31. Concluding his presentation, he welcomed the proposal to establish an international foundation for the law of the sea in Hamburg, Germany. The foundation would be designed to promote the role of the Tribunal as a focal point for the settlement of disputes concerning the law of the sea. He thanked Germany and, in particular, the city of Hamburg for their continuous support for this project.

32. The Meeting took note with appreciation of the report of the Tribunal. One delegation expressed its confidence that the negotiations on the Headquarters Agreement would be concluded in the near future. All States were invited to make maximum use of the mechanism for the peaceful settlement of disputes provided by the Tribunal.

33. The Meeting endorsed the request of some delegations that future annual reports of the Tribunal should include information on the regional distribution of all categories of staff working in the Tribunal, as well as the names and nationalities of persons participating in the internship programme of the Tribunal. It was further suggested by some delegations that the Tribunal should foster greater awareness and encourage participation in its internship programme by persons from developing countries. In response, the Registrar noted that the Tribunal had circulated a note verbale to all States Parties in 2002 and that one intern had, pursuant to an agreement with the United Nations Institute for Training and Research, received financial support to undertake an internship with the Tribunal.

B. Budget of the Tribunal for 2004

34. The President of the Tribunal introduced the draft budget for 2004 (SPLOS/2003/WP.1). He explained that, in preparing the proposals, the Tribunal had based itself on an evolutionary approach that would optimize efficiency, while also being guided by the principle of zero growth in planning operating expenditures.

35. He underscored that, although the proposed budget for 2004, which totalled $8.62 million, represented at first glance a significant increase as compared with the 2003 budget, that increase, however, should not be viewed as a deviation from the zero growth principle since all increases were attributable to circumstances beyond the control of the Tribunal. The increases reflected the downward fluctuation in the exchange rate of the United States dollar in relation to the euro; the rise in standard costs for staff and in common staff costs; and the increase in the daily subsistence allowance (DSA) rate for Hamburg.

36. The President, then, proceeded to identify the budget items where additional funds were being requested over and above the levels approved for 2003, namely the maintenance of premises; established posts and common staff costs; special allowances and annual allowances for judges; temporary assistance for meetings; travel of judges to meetings and sessions; and compensation to judges ad hoc. The Tribunal was also asking for the approval of a new budget line, namely "Insurance scheme" for judges.

37. He noted that at present, the euro had appreciated by more than 20 per cent against the United States dollar since April 2002, when the Meeting of States Parties had adopted the budget of the Tribunal for 2003. That explained why the requested amount for 2004 was more than 20 per cent higher than the approved levels for 2003. He noted, however, that the requested amount, converted into euros and after

adjustment to take into account the 1.3 per cent official inflation rate in Germany, was the same as the amount approved in euros for 2003.

38. The budget line "Maintenance of premises", in particular, had been greatly affected by the sharp depreciation of the United States dollar against the euro, he pointed out, since all expenditures were in euros. Nevertheless, over the past year the Tribunal had been able to achieve some savings by applying a rigorous review process when renewing a number of maintenance contracts, although those savings had been offset by high local utility charges.

39. With respect to established posts and common staff costs, he noted that a substantial increase had been envisaged, even though the Tribunal had not made any requests for additional staff in 2004. Staff-associated increases, as reflected in the draft budget, were due to the increase in the standard costs for staff and common staff costs as determined by the United Nations. Those changes applied to the Registry staff since the Tribunal was part of the United Nations common system.

40. The downward fluctuation in the exchange rate had also resulted in an increase in the DSA rate for Hamburg, he said. The increase, which was determined by the United Nations International Civil Service Commission, had, in turn, given rise to an increase in three budget items, namely, special allowances for judges, temporary assistance for meetings and compensation to judges ad hoc.

41. The President pointed out that exchange rate fluctuations had also affected the expenditures under the 2003 budget. While the Tribunal intended, wherever possible, to absorb within existing appropriations the increases resulting from changed circumstances, it was expected that appropriations for 2003 would not be sufficient to meet expenditures for the year and therefore additional appropriations were requested as explained in document SPLOS/2003/WP.5.

42. He drew the attention of the Meeting to a new budget item, "Insurance scheme", which had been inserted in the budget for the first time to cover the liability of the Tribunal in the event of work-related accidents suffered by judges. The proposal was contained in a separate document (SPLOS/WP.4/Rev.1).

43. The structure of the budget had been modified to correspond to the draft Financial Regulations of the Tribunal, the President noted. There were some decreases in the amounts requested compared to the budget for 2003 in the following items: judges pension scheme; general temporary assistance; and rental and maintenance of equipment.

44. In conclusion, he drew attention to the performance report for 2002 (SPLOS/2003/WP.1-Annex I), now finalized, which indicated that slightly more than $7 million, or nearly 90 per cent of the budgeted amounts, had been utilized. There had been three areas of over-expenditure: (1) annual allowances, where the budgeted amount did not anticipate the additional costs with respect to a change in the Presidency of the Tribunal; (2) established posts and common staff costs, where the over-expenditure was due largely to the fact that new international staff members joined the Tribunal; and (3) maintenance of premises, where the initial budgetary estimates were determined without sufficient experience in the operation of the premises. While economies were made in some areas, an over-expenditure could not be avoided.

45. The budget proposals were first considered in an open-ended working group on financial and budgetary matters under the chairmanship of the President of the Meeting. During the discussions several proposals were made to reduce the budget. One delegation proposed to reduce the number of meetings of the Tribunal to one session; another questioned the need to pay for German language training; a third delegation proposed a reduction in communication costs; a fourth delegation proposed a reduction in costs for printing and binding; while a fifth delegation suggested that the proposed amount for purchases of equipment be reduced. After considering all proposals, the Working Group agreed to reduce communication costs by 10 per cent resulting in savings of US$ 11,500 and to reduce by $5,000 the amount for purchases of equipment. The Group did not consider that the number of meetings of the Tribunal should be reduced further. It also did not consider it appropriate not to provide for German language training, especially since this reflected the practice of other United Nations bodies, for example, the United Nations Offices in Vienna and in Bonn. The proposal to reduce the costs for printing and binding was an issue, which the Registrar said could be explored further after the contract of the Tribunal with the current publisher had expired.

46. The Working Group then agreed on the draft budget of the Tribunal for 2004, as reflected in document SPLOS/L.30. The budget was subsequently adopted by the Meeting and is contained in document SPLOS/96. The approved budget amounted to a total of $8,039,000 including: (a) a recurrent expenditure of $6,834,800 and (b) a non-recurrent expenditure of $95,000, essentially for the acquisition of equipment. The budget reflected an overall increase of $240,700 over the budget approved for 2003 owing to exchange rate fluctuations and increases in staff costs. The budget for 2004 had been calculated on the basis of gross salary, but in contrast to previous years, a new budget line "Staff assessment credit" had been added to reflect the decision of the Meeting of States Parties that contributions by States Parties should be assessed on the basis of net salary (see paragraph 60). A credit of $559,400 was given for staff assessment in the budget for 2004.

47. The Meeting further approved a new budget line "Insurance" under recurrent expenditure, which provided funds to cover the liability of the Tribunal in the event of work-related accidents suffered by judges of the Tribunal (see paragraph 70). In this regard, an appropriation of $6,000 was approved for the budget for 2004.

48. With a view to providing the Tribunal with the necessary financial means to consider cases in 2004, the Meeting of States Parties approved $1,109,200 as case-related costs for the Tribunal, which amount should only be used in the event of cases being submitted to it. The Meeting decided, upon the proposal of one delegation, to rename the budget part entitled "Contingency costs" to "Case-related costs".

49. No appropriations were made to the Working Capital Fund. Upon the proposal of one delegation, the Meeting decided that no further appropriations should be made until the Fund had been reduced to 8 per cent of the overall budget of the Tribunal. The Registrar informed the open-ended Working Group that the $500,000 referred to in paragraph 74 of the draft budget (SPLOS/2003/WP.1), which constituted part of the savings from the financial period 2001, had not been appropriated to the Working Capital Fund, but would be returned to States Parties in 2004.

50. The budget of the Tribunal for 2004 was to be financed by all States and international organizations that were parties to the Convention. The contributions to be made by States Parties were to be based on the scale of assessment for the regular budget of the United Nations in the preceding financial year adjusted to take account of participation in the Convention. A ceiling rate of 24 per cent and a floor rate of 0.01 per cent would be used in establishing the rate of assessment for States Parties for the budget (see para. 54). The European Community indicated that its contribution to the budget would amount to $78,000. The Meeting decided to deduct from the contributions of States Parties to the budget for 2004 on a pro rata basis the amount of $2,299,070, which was in the Staff Assessment Account as of 31 December 2002 (see para. 61). In addition, the Tribunal would be returning to States Parties in 2004 a total savings of $833,269 from the 2001 financial period.

51. With respect to the Tribunal's budget proposals for 2005-2006, the Meeting of States Parties requested the Tribunal to review the method used to assess common staff costs in order to reflect more accurately the actual costs involved and also requested the Tribunal to consider whether assessment of common staff costs should be based on actual costs rather than using the United Nations applicable standard costs. Some delegations had pointed out that staff costs in the budget of the International Atomic Energy Agency were less than in the budgets of other United Nations bodies.

C. Scale of assessments

52. In presenting its proposal in document SPLOS/2003/CRP.1 to reduce from 25 to 22 per cent the ceiling rate used in establishing the rate of assessment for States Parties for the budget of the Tribunal, the delegation of Japan underlined that the 22 per cent ceiling rate had already been applied to the regular budget of the United Nations and to the budgets of a number of specialized agencies, such as the International Labour Organization, the Food and Agriculture Organization of the United Nations, UNESCO, the World Health Organization, the United Nations Industrial Development Organization, the World Meteorological Organization and the International Seabed Authority.

53. The proposal by Japan was considered in the open-ended Working Group on financial and budgetary matters and also in an ad hoc open-ended informal group established by the President of the Meeting of States Parties to facilitate the work of the Working Group. The representatives of Argentina, Australia, Benin, Brazil, China, Japan, Mexico, Nepal, Portugal, Republic of Korea, Russian Federation, Trinidad and Tobago and the United Kingdom participated in the work of the ad hoc informal group, which was coordinated by the representative of Brazil.

54. The Working Group was able to arrive at a compromise solution acceptable to all and the Meeting decided subsequently to gradually reduce the scale of assessment from its current rate of 25 per cent. It adopted a ceiling rate of 24 per cent for the budget year 2004 and a ceiling rate of 22 per cent for the budget period 2005-2006, as reflected in its decision on the scale of assessments contained in document SPLOS/97. The Meeting agreed that its decision would only apply to the budget years mentioned in document SPLOS/97.

D. Staff assessment

55. Certain States do not exempt their citizens and residents from tax liability on earnings from international organizations, including the Tribunal. In order to address the issue of national taxes on emoluments, the Tribunal has maintained a Staff Assessment Account since 1996. Staff assessment deducted from salaries by officials of the Tribunal is placed in this Account. As of 31 December 2002, the Staff Assessment Account amounted to a total net credit of $2,299,070.

56. At its twelfth Meeting, the States Parties had decided that the Tribunal should continue its current practice with regard to staff assessment, pending the adoption of a decision based on a detailed proposal to be submitted by the Tribunal to the thirteenth Meeting of States Parties (SPLOS/88). Such proposal was presented by the Tribunal to the thirteenth Meeting in document SPLOS/2003/WP.2 and was introduced by the Registrar. The working paper proposed two alternatives for dealing with the issue of national tax on emoluments from the Tribunal. According to the first option, a tax reimbursement fund would be established with the approximately $2.3 million in the Staff Assessment Account. Interest generated by the fund would be used to reimburse staff members and members of the Tribunal for national taxes paid on emoluments, estimated at $35,000. The adoption of this proposal would result in a decrease in the budget of the Tribunal of approximately $500,000 for 2004, since the budget would be calculated on the basis of the net instead of the gross salaries of staff members of the Tribunal.

57. According to the second option proposed by the Tribunal, the reimbursement of national tax would be charged to the budget. The approximately $2.3 million in the Staff Assessment Account would be surrendered to States Parties in 2004 and there would be no further need to collect staff assessment. The adoption of this proposal would result in a decrease in the Tribunal's budget for 2004 of approximately $465,000, since the budget would be calculated on the basis of the net instead of the gross salaries of the staff members of the Tribunal.

58. In the discussions that followed, some delegations expressed their support for the first option. In addition, one delegation proposed that the money in the tax reimbursement fund should be invested to generate a higher interest than the current 1.1 per cent. Several other delegations expressed their preference for the second option. They proposed the return of the money in the Staff Assessment Account to States Parties pro rata to their contributions, as well as the inclusion of a budget line for the years 2004 and 2005 providing for the reimbursement of taxes paid by staff. According to their proposal, the Registrar would be requested to enter into bilateral agreements with States that tax their nationals or residents to ensure that these States would provide for the reimbursement of taxes.

59. The President of the Meeting of States Parties referred the consideration of these proposals to the open-ended Working Group on financial and budgetary matters and later also to the ad hoc informal open-ended working group referred to in paragraph 53 above. The Officer-in-Charge, Mr. Compton Persaud, of the Political, Legal and Humanitarian Service, Programme Planning and Budget Division, Office of Programme Planning, Budget and Accounts of the United Nations Secretariat, was invited to explain the United Nations Tax Equalization Fund to the Working Group.

60. On the basis of a compromise reached within the Working Group, the Meeting decided, as reflected in SPLOS/98, that future contributions by States Parties would be assessed on the basis of net salary. However, following the practice of the International Seabed Authority, the amount of appropriations in respect of established posts would, in the budget of the Tribunal, be calculated on the basis of gross salary and a line of credit would be added in respect of the amount of staff assessment.

61. The Meeting also decided to deduct from the contributions of States Parties to the 2004 budget the amount in the Staff Assessment Account as at 31 December 2002 ($2,299,070) pro rata to their contributions thereto for each financial year concerned. It further decided that the amount of staff assessment accumulated in the financial year 2003 would be used to reimburse officials and members of the Tribunal for national taxes paid in respect of remuneration paid by the Tribunal in 2003 and 2004. Any remaining money would be deducted from the contributions of States Parties to the budget for 2005-2006 (SPLOS/98).

62. The Meeting requested the Tribunal to negotiate bilateral agreements concerning tax reimbursements by States that levy national taxes on remuneration paid by the Tribunal and to report to the fourteenth Meeting of States Parties on progress made in that regard. In addition, the Tribunal was requested to study staff assessment systems adopted for other international organizations, in particular those in the United Nations system, and also to report thereon to the next Meeting of States Parties and to present proposals on possible solutions to ensure that States Parties' contributions would not be used to reimburse tax levied by other States on their nationals.

63. One delegation proposed that the Registrar should look into the possibility of amending the staff regulations. In response the Registrar drew attention to the independent character of the Tribunal as a judicial body.

E. Budgetary matters of the Tribunal for 2003

64. The Registrar introduced SPLOS/2003/WP.5 on other budgetary matters of the Tribunal for 2003. He pointed out that the appropriations under the approved budget for 2003 might not be sufficient to cover the expenditures for that period for reasons beyond the control of the Tribunal. Firstly, exchange rate fluctuations between the United States dollar and the euro since last year had resulted in an increase of $200,000 for the maintenance of the premises, where expenditure is in euros. Secondly, the standard costs for staff and common staff costs as applied within the United Nations common system had lead to an increase of $500,000. Thirdly, the daily subsistence allowance (DSA) rate for Hamburg had increased from $176 in 2002 to $233 in March 2003, resulting in an increase of $150,000. The total amount of the increase due to these factors was $850,000. In order to address the shortfall in the approved expenditures for 2003 for the budget lines "Established posts", "Common staff costs" and "Maintenance of premises", the Tribunal proposed to finance the over-expenditures as far as possible by transfers between appropriation sections in the budget of 2003, and if necessary, by using the savings from the financial period 2002.

65. The Meeting endorsed the approach suggested by the Tribunal and decided that over-expenditures should be financed as far as possible by transfers between

appropriation sections in the budget of 2003, and if necessary, by using the savings from the financial period 2002 (SPLOS/99). The Registrar was requested to report to the fourteenth Meeting of States Parties on any action taken in this regard together with the circumstances relating thereto.

F. Report of the External Auditors and financial statements of the Tribunal for 2001

66. Following its introduction by the Registrar, the thirteenth Meeting of States Parties considered and took note of the report contained in SPLOS/93.

G. Financial Regulations of the Tribunal

67. At its twelfth Meeting, the States Parties had concluded their consideration of the draft Financial Regulations of the Tribunal, but had not been in position to adopt the Regulations since there had not been enough time to translate the document into the official languages of the United Nations. It had therefore been decided to defer their adoption until the thirteenth Meeting.

68. The draft financial regulations agreed to at the twelfth Meeting were submitted to the thirteenth Meeting in document SPLOS/2003/WP.3. The Meeting adopted the Financial Regulations of the Tribunal contained in working paper 3 and decided that they would become effective on 1 January 2004 and would apply to the financial period 2005-2006 and to subsequent financial periods (SPLOS/100).

H. Consideration of the liability of the Tribunal in the event of the death, injury or illness of members of the Tribunal attributable to service with the Tribunal

69. The Meeting considered document SPLOS/WP.4/Rev.1 submitted by the Tribunal and introduced by the Registrar, which underlined the absence of financial means to cover the liability of the Tribunal in the event of death, injury or illness of its members attributable to service with the Tribunal, and proposed that provision be made to cover its liability. The working paper proposed that the Secretary-General be requested to extend to the members of the Tribunal such coverage under the *Rules governing Compensation to Members of Commissions, Committees or Similar Bodies in the Event of Death, Injury or Illness Attributable to Service with the United Nations* as he had done in the case of the International Court of Justice.

70. The Meeting endorsed the proposal of the Tribunal and authorized it to request the Secretary-General of the United Nations, within the ambit of the Agreement on Cooperation and Relationship between the United Nations and the International Tribunal for the Law of the Sea, to consider extending to members of the Tribunal such coverage under the *Rules governing Compensation to Members of Commissions, Committees or Similar Bodies in the Event of Death, Injury or Illness Attributable to Service with the United Nations*, in accordance with section VI, paragraph 2, of General Assembly resolution 34/233 of 20 December 1979. An appropriation of $6,000 was approved for the budget of 2004, pending a decision by the Secretary-General (SPLOS/101).

V. Information on the activities of the International Seabed Authority

71. In accordance with the decision of the ninth Meeting of the States Parties (SPLOS/48, para. 53) and rule 37 of the Rules of Procedure for Meetings of States Parties, the Secretary-General of the International Seabed Authority was given an opportunity to address the Meeting and provide information with respect to the activities of the Authority.

72. In his introductory remarks the Secretary-General expressed his and the Authority's condolences for the demise of Judge Ballah of Trinidad and Tobago. He recalled the important role played by Judge Ballah in the development of the Convention, his Presidency of the Council of the Authority and his Chairmanship of Special Commission 2 of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea.

73. With regard to the activities of the Authority, he pointed out that the ninth session of the Authority would take place in Kingston, Jamaica, from 28 July to 8 August 2003. In addition, the Legal and Technical Commission would meet from 21 July. He underlined that the main priority for the Authority in the immediate future was the development of a regulatory regime for polymetallic sulphides and cobalt-rich crusts. It was expected that this would be the focus of discussions in the Legal and Technical Commission and the Council during the forthcoming session. Other important issues to be considered included the future work programme of the Authority and the outcome of the Authority's recent workshop on the establishment of a geological model for the Clarion-Clipperton Fracture Zone.

74. The Secretary-General noted with concern that, over the past few years, the level of attendance at meetings of the Authority continued to decline to the point where it was difficult to secure a quorum for the taking of necessary decisions. This development was alarming and he hoped that the new schedule of meetings would promote participation. During the first week of meetings, 21 to 25 July 2003, the Legal and Technical Commission would break into informal working groups to facilitate detailed consideration of specific issues relating to the draft regulations on polymetallic sulphides and cobalt-rich crusts. The Commission would also review and consider the annual reports of contractors, submitted pursuant to the Regulations for Prospecting and Exploration for polymetallic nodules in the Area. During the second week of meetings, the Commission would take up further consideration of the draft regulations on polymetallic sulphides and cobalt-rich crusts. He anticipated that most of the meetings would be open to observation by other members of the Authority.

75. He proposed that the objective of the draft regulations should be to progressively develop a regulatory regime, as prospecting and exploration activities take place and better knowledge is gained with regard to the resources and the environment in which they occur. Strong emphasis should be placed on the need to gather environmental data and information according to standardized methodologies and formats, and on the analysis of such data.

76. He highlighted the great importance of the work of the Authority in relation to managing the threats to the benthic ecosystem from marine scientific research, prospecting and exploration, including through the adoption of rules, regulations and procedures relating to the protection of the marine environment and through

international cooperative scientific projects. In spite of the fact that prospects for mineral development might not be attractive at this time, the most constructive and useful work the Authority could do was to develop its capacity as a depositary of available data and information about the mineral resources of the Area, promote and encourage new research on those resources and on the deep ocean environment in general and to disseminate these results.

77. The Secretary-General drew attention to a series of workshops and seminars organized by the Authority on specific issues related to deep seabed mining. The most recent workshop had taken place in Nadi, Fiji Islands in May 2003 and had been aimed at establishing a strategy for the development of a geological model for the Clarion-Clipperton Fracture Zone in the Central Pacific Ocean, where the Authority had issued most of the contracts for the exploration of polymetallic nodules.

78. He pointed out that as a result of the discussions in an earlier workshop, the Authority was collaborating at present in a major research project coordinated through the University of Hawaii to study the biodiversity, species range and gene flow in the abyssal Pacific nodule province. It was expected that the results of this project would be particularly important in guiding the Authority in the establishment of future environmental regulations for mineral exploration and would also benefit the international scientific community as a whole.

79. In conclusion, the Secretary-General stressed that although the substantive work of the Authority had become more technical and scientific in nature, such work could not be undertaken effectively without clear policy guidance from its members. Broad participation in meetings of the Assembly was therefore very important.

80. Some delegations expressed appreciation for the training efforts undertaken by the Authority, and in particular the workshops, which had helped improve expertise in areas of importance for developing countries. Concern regarding the low attendance at the sessions of the Authority was expressed by several delegations. Some delegations noted that the necessity to be represented at so many United Nations meetings strained the resources of developing countries. In this regard, a proposal to establish a trust fund to assist developing and least developed countries to participate at the sessions of the Authority was advanced. One delegation pointed out that holding the meetings during the summer might be a reason for scarce attendance and choosing a different period might facilitate participation.

81. The Meeting took note with appreciation of the statement of the Secretary-General.

VI. Information on the Commission on the Limits of the Continental Shelf

82. In accordance with the practice of the Meeting of States Parties, the Chairman of the Commission on the Limits of the Continental Shelf, Peter F. Croker, was invited by the Meeting to provide information on matters related to the recent activities of the Commission. This information was contained in the letter from the Chairman dated 15 May 2003 (SPLOS/94) addressed to the President of the thirteenth Meeting.

83. Mr. Croker stated that the subcommission, which the Commission had established to examine the Russian submission, had completed its deliberations and submitted its recommendations to the Commission by 14 June 2002. The Commission had during the eleventh session in June 2002 modified and adopted the recommendations and then conveyed them to the submitting State and to the Secretary-General (A/57/57/Add.1, paras. 27-56).

84. The Chairman reminded the Meeting that the Commission was ready to accept further submissions from coastal States and to provide any scientific and technical advice to States preparing their submissions. (For further information see the Commission's page at the DOALOS web site www.un.org /Depts/los/clcs_new/clcs_home.htm).

85. At its twelfth session (28 April to 2 May 2003), the Commission considered a number of items to facilitate the process of dealing with submissions by coastal States, including a review of its procedural and organizational documents with a view to aligning their provisions (CLCS/36, paras. 8-10). It was decided, inter alia, to consolidate the provisions of an operational nature contained in the modus operandi of the Commission (CLCS/L.3) and the internal procedure of the subcommission (CLCS/L.12) into one document, with editorial improvements, and to retain the Rules of Procedure of the Commission as a separate document (CLCS/3/Rev.3 and Corr.1).

86. In response to concerns regarding the need of States for some factual information about the scientific data and material in the submissions and the Commission's analysis of them in terms of the requirements of article 76 of the Convention, the Commission decided that its recommendations should in future include an executive summary, containing a general description of the extended continental shelf, as well as a set of coordinates and illustrative charts, if appropriate, to identify the line describing the outer limits recommended by the Commission. The Secretary-General would then be in a position to publicize the executive summary at his discretion.

87. The Chairman informed the Meeting that DOALOS was preparing a training manual to assist States in the preparation of submissions. Two coordinators, who are members of the Commission, had already prepared a detailed outline of the manual, and had invited a number of experts from both within and outside of the Commission to participate in its preparation.

88. With regard to the trust fund established by the General Assembly he reminded States Parties of the availability of funds and indicated that some developing States had already applied for assistance. He noted that the Commission called for additional political and financial support for this fund, as well as for programmes, especially for developing countries, within the United Nations system and through other appropriate international or regional organizations.

89. The Chairman informed the Meeting that a trust fund had also been established to help developing States defray the costs of the participation of members at the Commission sessions. Two developing States had already benefited from that fund.

90. In addition to those matters contained in his letter (SPLOS/94), the Chairman informed the Meeting that the Commission had received a letter from the Russian Federation stating that they would be grateful to receive explanations concerning certain provisions of the recommendations of the Commission on its submission.

The Chairman indicated that, although the Commission had not had the opportunity to discuss the letter, a decision would probably be taken to refer the questions back to the subcommission, given their detailed nature.

91. The Chairman also noted that, since no submission from a coastal State had been received as of 25 May 2003, the Commission decided not to hold its next scheduled session from 25 to 29 August 2003. Instead, the 13th session was scheduled to be held from 26 to 30 April 2004, and the 14th session from 30 August to 3 September 2004. If a timely submission was received before either session, that session would be followed by two weeks of meetings of a subcommission elected to examine the submission received.

92. The representative of the Russian Federation noted that the beginning of the consideration of submissions by the Commission opened a new chapter in international cooperation related to the definition by States of their continental shelf beyond 200 nautical miles -- this was the purpose of the creation of the Commission. The Russian Federation was aware of its great responsibility as a pioneer in this area, as well as of the complex issues and challenges facing both the Government and the Commission. Since this was the first submission, the lack of a precedent made the task of presenting material to the Commission more difficult. The representative believed that the consideration of such comprehensive issues, which involved extensive segments of underwater margins, was a lengthy process that needed to be done in several stages. The Russian Federation would continue to work to assure that the results of the scientific research completed would be submitted to the Commission. The recommendations of the Commission were being carefully considered by the Russian experts. A letter was recently sent to the Commission with a request to answer a number of questions. The representative hoped that the letter would be answered promptly by the Commission and that the Commission's response would help his Government find its bearings for future actions.

93. The Meeting of States Parties took note, with appreciation, of the information provided by the Chairman of the Commission.

VII. Matters related to article 319 of the United Nations Convention on the Law of the Sea

94. At the tenth Meeting, Chile had proposed that the Meeting of States Parties consider issues relating to the implementation of the Convention and that it should receive annually a report from the Secretary-General on issues of a general nature that had arisen with respect to the Convention (SPLOS/CRP.22 and SPLOS/60, paras. 73-78). As a result of this proposal and in order to address the concerns of both the delegations that supported the inclusion of matters of substance in the agenda of future Meetings and those that held the view that the Meeting should only consider issues relating to budgetary and administrative matters, the Meeting had agreed previously to include the item "Matters related to article 319 of the United Nations Convention on the Law of the Sea" on its agenda.

95. At the thirteenth Meeting a number of delegations reiterated the views that they had expressed at earlier Meetings (SPLOS/73, paras. 85-92 and SPLOS/91,

paras. 111-116) in favour or against the inclusion of substantive matters in the agenda of the Meeting.

96. Several delegations reaffirmed the view that the Meeting of States Parties should not be limited to discussing administrative and budgetary matters, but that it should also consider substantive issues relating to the implementation of the Convention. They reiterated that, in order to facilitate such discussion, the Secretary-General should submit to the Meeting a report on matters relating to implementation of the Convention. According to these delegations, article 319 of the Convention constituted the legal basis for the consideration of issues relating to the implementation of the Convention by the Meeting. One delegation pointed out that by assuming this role States Parties would be giving effect to their duty to cooperate in the Convention. Another delegation observed that rules 52 and 53 of the Rules of Procedure for Meetings of States Parties envisaged the possibility of discussions on substantive issues.

97. It was emphasized by several delegations that States Parties to a Convention, as a matter of principle, had the sovereign right to consider and decide on all matters pertaining to the Convention. The Meeting of States Parties should therefore also have this right, but should also assume the responsibility not to revise the Convention. The decision of the Meeting of States Parties regarding the date of commencement of the 10-year period for making submissions to the Commission on the Limits of the Continental Shelf was cited as an example of a substantive issue that the Meeting had already considered. Some delegations pointed out that discussions on substantive issues that caused problems for States would encourage universal participation in the Convention.

98. Several delegations addressed the relationship between the General Assembly, the Consultative Process and the Meeting of States Parties. Some delegations suggested that, given the time-constraints under which the General Assembly operated, it would be advisable to discuss substantive matters of particular relevance in the context of the Meetings of the States Parties. In that regard, one delegation proposed the consideration by the Meeting of the following issues: "equipment used for the collection of data and coastal State jurisdiction" and "biodiversity of the seabed", while another delegation proposed the consideration of "safety and human rights of seafarers" and "smuggling of weapons by ships". A third delegation suggested that the areas of focus for the Consultative Process should be decided upon before the consultations on the draft General Assembly resolution on oceans and the law of the sea and should involve the Co-Chairpersons of the Consultative Process. Some delegations were of the view that the Meeting of States Parties could assist the General Assembly in that regard. It was underlined that the discussions in the Meeting of States Parties would complement the work of the Consultative Process. One delegation expressed the view that the Meeting of States Parties could discuss issues relating to the implementation of the Convention that had been raised in the Process.

99. Some delegations, which did not support the view that the Meeting of States Parties had the competence to consider issues relating to the implementation of the Convention, reiterated what they had said at previous meetings and again proposed the deletion of the agenda item. The Convention, according to them, did not provide the legal basis for substantive discussions and decisions by the Meeting of States Parties. In their view, the mandate given to the Secretary-General under article 319

was limited to convening "necessary" meetings of States Parties in accordance with the provisions of the Convention and should not be interpreted as authorizing a far-reaching review of matters related to the Convention. The matters specified in the Convention to be considered by Meetings of States Parties were the election of the members of the Commission on the Limits of the Continental Shelf and of the Tribunal, as well as the consideration and approval of the budget of the Tribunal. No other provisions of the Convention either required action or acknowledged the possibility of action by the Meeting of States Parties. One delegation referred to the negotiating history of article 319 as evidence of the fact that a periodic review of the Convention had failed to attract sufficient support during the Third United Nations Conference on the Law of the Sea. The same delegation also indicated that rules 52 and 53 of the Rules of Procedure could not be invoked as a legal basis for the inclusion of matters of substance in general, since those rules applied only to budgetary and administrative issues of a substantive nature.

100. It was also underlined by these delegations that the implementation of the Convention involved several United Nations bodies and that the General Assembly was therefore the only organ with the competence to review the implementation of the Convention. The Consultative Process had been established by the Assembly to facilitate its annual review of developments in ocean affairs.

101. Some delegations favoured a middle-ground position. On the one hand, they agreed that the Meeting of States Parties should not undertake a far-reaching review of the Convention, but on the other hand they also acknowledged that the Meeting should not completely exclude the possibility of considering substantive issues in the future. In the past, these delegations pointed out, the Meeting had already considered matters of a substantive nature, e.g., its decision relating to the commencement of the 10-year period for making submissions to the Commission on the Limits of the Continental Shelf.

102. In the light of the differing views expressed, the Meeting decided to retain the neutral title of "Matters related to article 319 of the United Nations Convention on the Law of the Sea" on its agenda for the next Meeting of States Parties.

VIII. Other matters

A. Statement by a representative of a non-governmental organization regarding seafarers

103. In accordance with rule 18, paragraph 4, of the Rules of Procedure for Meetings of States Parties, a representative of the Seamen's Church Institute was invited to address the Meeting as an observer. In his statement, he recalled that the drafters of the Convention had recognized that preserving and protecting an orderly environment for the men and women who work on the seas was crucial to protecting all of the other interests addressed in the Convention.

104. He expressed his alarm at the unprecedented assaults on the Convention's protection for merchant mariners over the past year. Acts of piracy and armed robbery against merchants shipping continued to increase in number and in violence. Another area of concern was the dangers to ships' crews as a result of coastal States prohibiting some types of ships from transiting their territorial sea. The Seamen's

Institute was also very concerned that coastal States were creating disincentives for vessels to respond to distress at sea by refusing refuge to shipwreck survivors and by attempting to limit their State responsibilities to receive the rescued persons. Some coastal States also discouraged ships in distress from seeking refuge by charging exorbitant anchorage fees and repair and replenishment charges, and by subjecting crews to arrest. A further cause of concern was the increasing criminal prosecution of mariners in pollution cases, even when there was no criminal culpability. Moreover, shipowners often left crews accused of environmental crimes to fend for themselves when their legal interests conflict with those of their crews.

105. Abandoned ships, he continued, remained a problem worldwide. The Institute was regularly called upon to help seafarers who had been abandoned by their insolvent owners. The cases brought to the attention of the Institute, it was believed, represented only the tip of the iceberg. Port State and flag State remedies often proved inadequate to feed, house, pay or repatriate abandoned crews.

106. Post-September-11 maritime security measures, while imposing additional security responsibilities and duties on crews, also often resulted in their treatment as potential terrorists, as evidenced by the increased shore leave restrictions imposed by coastal States.

107. He urged the Meeting of States Parties to place on its agenda, as a matter of priority, the protection of seafarers and a review of how States Parties implemented the relevant provisions of the Convention.

108. Some delegations shared the concerns expressed by the representative of the Seamen's Institute. One delegation opposed the inclusion of this issue in the agenda of the Meeting of States Parties, recalling the discussions in relation to the agenda item — Matters related to article 319 of the Convention.

109. The Meeting took note of the statement and of the request made.

B. Statement by the President at the closure of the thirteenth Meeting of States Parties

110. In his closing statement, the President reviewed the work that had been completed during the Meeting and proceeded to highlight some of the main achievements.

111. Among the most important accomplishments of the Meeting was the adoption of the budget of the Tribunal for 2004, he said. It had been adopted with the adjustments rendered necessary owing to fluctuations in the exchange rate and to increases in common staff costs within the United Nations system. Another important decision was the gradual reduction of the ceiling rate for the scale of assessment to 24 per cent for the budget year 2004, and to 22 per cent for the biennium 2005-2006.

112. The Meeting also decided to refund the $2.3 million that had been accrued in the Staff Assessment Account to the States Parties on a pro rata basis and took other decisions related to staff assessment.

113. With respect to the budget for 2003, he recalled that the Meeting decided that the Tribunal should cover the over-expenditures incurred that were due to fluctuations in the exchange rate and increases in common staff costs by transfers

between appropriation sections in the budget of 2003 and, if necessary, by using the savings from the financial period 2002.

114. The President stressed the importance of paying all assessed contributions to the Tribunal and to the International Seabed Authority in full and in a timely manner to enable those institutions to discharge their functions effectively and efficiently. He recalled that some delegations had proposed the establishment of a trust fund to facilitate the attendance of delegations from developing countries at meetings of the Authority and the convening of the sessions of the Authority during a more convenient time of the year.

115. He recalled that the Meeting also decided to approve an appropriation of $6,000 in the event of death, injury or illness of members of the Tribunal attributable to service with the Tribunal.

116. Another important achievement underlined by the President of the thirteenth Meeting was the adoption of the Financial Regulations of the Tribunal after several years of debate. He noted that, as a result, the Tribunal was now required to submit a biennial budget, which would be guided by sound financial guidelines.

117. The President noted that a lively discussion had ensued on matters related to article 319 of the Convention, with many delegations supporting an expanded role for the Meeting of States Parties and some suggesting possible issues for future consideration. Others, however, were of the view that the Meeting should confine itself to administrative and financial issues. Some other delegations preferred an approach that, while the Meeting could discuss substantive issues, this would, however, be confined to special circumstances. The Meeting, as a compromise between the differing positions, decided to retain the item on the agenda with the same title.

118. The President also noted the statement made by the representative of the Seamen's Church Institute and thanked him for drawing the attention of the Meeting to the need to ensure the safety and protection of the rights of seafarers. The Meeting noted the request made to include the matter on the agenda of the Meeting.

119. The President drew attention of delegations to the Special Meeting to be held on 2 September 2003 for the purposes of filling the vacancy that had occurred in the Tribunal owing to the passing away of Judge Lennox Fitzroy Ballah. He reminded delegations that, in order to be able to vote in that election, delegations would need to submit credentials in due form with regard to that Meeting in accordance with rule 13 of the Rules of Procedure for Meetings of States Parties.

120. In conclusion, the President outlined the agenda items for the fourteenth Meeting (see para. 124) and expressed his sincere gratitude to delegations, the bureau, the members of the Credentials Committee, as well as the President and the Registrar of the Tribunal, the Secretary-General of the International Seabed Authority, the Chairman of the Commission on the Limits of the Continental Shelf and the Secretariat for their assistance to him and for contributing to the immeasurable success of the Meeting.

C. Dates and programme of work for the fourteenth Meeting of States Parties

121. The fourteenth Meeting of States Parties will be held in New York from 14 to 18 June 2004.

122. The fourteenth Meeting will have on its agenda, inter alia, the following items:

(a) Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties covering the year 2003;

(b) Draft budget of the International Tribunal for the Law of the Sea for 2005-2006;

(c) Report of the Tribunal on budgetary matters of the International Tribunal for the Law of the Sea for 2003;

(d) Report of the External Auditors for the financial year 2002;

(e) Appointment of auditors;

(f) Report of the Tribunal on issues related to staff assessments;

(g) Matters related to article 319 of the United Nations Convention on the Law of the Sea;

(h) Other matters.